

REMARKS

Reconsideration of this application is being requested. Claims 1-10 are in this application.

35 U.S.C. §103(a) rejections of claims 1-9 based on Barnes in view of Sonetaka

Claim 1-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes et al (US 5,613,196) in view of Sonetaka (US 6,591,107). The office action alleges that Sonetaka teaches “prospectively assigning currently unavailable channel resources.” Col. 4, lines 62-65 and col. 7, line 65 to col. 8, line 2 were cited in support thereof. Applicants respectfully disagree. Sonetaka does not teach assigning currently unavailable supplemental channel resources. Sonetaka teaches dividing a set of seven channels into reserved and unreserved channels. Specifically, two of the seven channels are reserved (i.e., reserved channels) in advance and can only be used by service A subscribers. The remaining five channels are not reserved (i.e., unreserved channels) for service A subscribers only, and may be used by service A and B subscribers. Thus, service B subscribers can only use the unreserved channels. See Fig. 4 and col. 4, line 61 to col. 5, line 5.

Assignment of the unreserved and reserved channels is based on service level of the subscriber and availability of the channels. All of the unreserved channels will be assigned before any of the reserved channels are assigned. If all of the unreserved channels are assigned (i.e., no unreserved channel is free), then free reserved channels may be assigned to service A subscribers (but not to service B subscribers). See Figs 5-6 and col. 5, lines 6-38 (lines 32-34 in particular). There is no teaching or suggestion in Sonetaka to assign reserved channels to service A (or B) subscribers when the reserved channels are currently assigned, i.e., not free. Nor is there any teaching or suggestion in Sonetaka to assign unreserved channels to either service A or B subscribers when the unreserved channels are currently assigned.

By contrast, claim 1 involves “prospectively assigning currently unavailable supplemental channel resources.” (underline added for emphasis) The resources are not currently free, i.e., currently unavailable, but may nevertheless be assigned to support some future channel. There is no teaching or suggestion in Sonetaka involving assignment of

resources which are currently not available. Accordingly, it is felt that claim 1 is patentable under 35 U.S.C. §103(a) over Barnes et al in view of Sonetaka.

Claims 2-9 depend upon, and include all the limitations of, claim 1. For the reasons discussed earlier with respect to claim 1, Sonetaka does not teach or suggest assigning currently unavailable supplemental channel resources. Accordingly, it is felt that claims 2-9 are also patentable under 35 U.S.C. §103(a) over Barnes et al in view of Sonetaka.

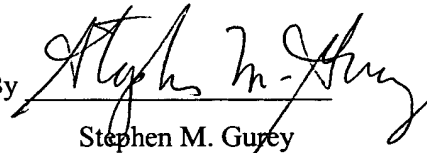
35 U.S.C. §103(a) rejection of claim 10 based on Barnes in view of Sonetaka further in view of Vanderspoo

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barnes in view of Sonetaka and in further view of Vanderspoo, II et al (US 5,261,118). Claim 10 depends upon, and includes the limitations of, claim 1. For the reasons discussed earlier with respect to claim 1, it is felt that claim 10 is patentable under 35 U.S.C. §103(a) over Barnes in view of Sonetaka and in further view of Vanderspoo, II.

Conclusion

Based upon the foregoing reasons, applicants submit that this application is in condition for allowance. Favorable action is respectfully requested. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call applicants' attorney, **Jimmy Goo**, at **908-582-7886**.

Respectfully,  
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